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PART-IIA

GOVERNMENT OF MEGHALAYA

NOTIFICATIONS

The 12th June, 2017.

No.HPL.97/2017/84.—In supersession to this Department's Notification No.HPL.97/2017/74, dated 21st April, 2017, the 8 (eight) villages under the erstwhile Resubelpara C & RD Block as listed in **Schedule-II** be transferred to North Garo Hills District.

Y. TSERING,

Chief Secretary to the Government of Meghalaya.

SCHEDULE - II

LIST OF VILLAGES UNDER RESUBELPARA C & RD BLOCK

BOLSONG B. MOHOL G. S. CIRCLE

Bolsong B. Mohol G. S. Circle	1. Daporbita
	2. Sarapara
	3. Thakurbilla Garo
	4. Darugre
	5. Thakurbilla Rabha
	6. Fakirmara
	7. Amtuli
	8. Borjhora

The 25th May, 2017.

No.AGRI(E)245/85/186.—The terms and conditions of deputation of Smti. Sildaris Mihsil, Director, MAMETI, Upper Shillong, are as follows:-

Terms & Conditions

1. Period of deputation. One year with effect from 1st February, 2017 to 31st January, 2018 in the first instance.
2. Pay. During the period of deputation, the Officer will be entitled to draw his own grade pay and allowances as admissible under State Government Rules plus deputation (duty) allowance as laid down in the O.M.No.FEG-74/92/365, dated 17th August, 2010 and Corrigendum No.FEG.74/72 /367, dated 3rd September, 2010.
3. Dearness Allowance etc. The Officer will be entitled to the dearness allowances under the rules of his parent Government or under the rules of the Foreign Employer/borrowing Government according to his option to retain his scale of pay under the parent Government or he draws pay in the scale of pay attached to the post under the Foreign Employer/borrowing Government.
4. Joining time T.A./D.A. The Officer will be entitled to joining time and T.A./D.A. both on joining the post of deputation and on reversion there from to the parent Government under the rules of the Foreign Employer. The expenditure for the purpose will be borne by the Foreign Employer. T.A./D.A. for journeys performed on tour in connection with the work of the foreign employer will be paid by and under the rules of the foreign employer (in case of deputation to other State Government including Government of India joining time pay and T.A. will be regulated as per provision laid down in Appendix 3-B of Account Code Vol. I).
5. Leave Salary of Pension Contribution. The Foreign Employer will be liable to pay the leave Salary and pension contribution according to the rate in force from time to time. Regarding payment of leave salary, the procedure laid down in O.M.No.FEG. 74/72/114, dated 4th November, 1975, shall apply. (In case of deputation to other Governments including Government of India, General Principles as laid down in Account Code Vol. I shall apply).

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| 6. Leave Salary during Disability Leave. | The Foreign Employer will be liable to pay the leave salary in respect of any disability incurred in and through service under the Foreign Employer even if such disability manifests itself after the termination of the service under the Foreign Employer. |
| 7. Pension or Contribution Provident Fund. | The Officer will not be allowed to join any pension or contributory Provident Fund scheme. |
| 8. Medical Facilities. | The foreign employer/borrowing Government will provide the medical facilities not inferior to those which the Officer would have been enjoyed in his parent Government but for his deputation. |
| 9. Grant of Gratuity or Pension for injury or Death. | The Foreign Employer will be responsible for payment of any gratuity or pension that may be admissible under the rules if any injury is sustained or death occurs during the services under the foreign employer. |
| 10. Compensatory Allowances. | The whole expenditure in respect of any compensatory allowance for the period of leave during and/or at the end of services under the Foreign Employer/borrowing Governments before he joins his parent Government will be borne by the Foreign Employer/borrowing Government. |
| 11. Local Allowance. | The Officer will be entitled to the Local (City) allowance, House rent allowance and other local allowances according to the rules of the foreign Employer/borrowing Government. |
| 12. Bonus. | The Officer will be entitled to the Bonus if any, at the rate as declared and allowed by the Foreign employer to its employees if he opts the scale of pay of the deputation post. |
| 13. Leave Rules. | The Officer will remain subject to leave Rules applicable to the Service of which he is a member. |
| 14. Travelling Concession. | The Officer will be entitled to leave Travel Concession from the Foreign Employer/borrowing Government on the scale he is entitled to under the parent Government and the cost of such concession will be borne by the foreign Employer/borrowing Government. |
| 15. Residential Accommodation. | The Officer will be entitled to the residential accommodation according to the Rules of his parent Government (or the Rules of the Foreign |

Employer/ borrowing Government according to his option to draw his own grade pay or the scale of pay of the deputation post) and the expenditure should be borne by the foreign employer/borrowing Government.

16. Moveable &
Immoveable
properties.

The Officer will regularly furnish returns of Moveable and immoveable properties owned by him to his Parent Government.

17. Commencement &
Termination of
Deputation Services.

The date of Commencement of the Service on deputation will be the date on the Officer handed over charge of the post in his Parent Department Office and the date of termination will be the date he takes over charges of the post in his Parent Department Office as provided under the Meghalaya Fundamental Rules & Subsidiary Rules.

L. KHARKONGOR,

Under Secretary to the Govt. of Meghalaya,
Agriculture Department.

The 14th June, 2017.

CORRIGENDUM

No.RDA6/2017/14.—The paragraph appearing in the Notification Under Section 4 (2) of Right to Fair Compensation & Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 *vide* Notification No.RDA.6/2017/8, dated 17th March, 2017 as “WHEREAS, acquisition of land measuring 6284.39 Sq.m at Dulainala for the purpose of land acquisition for compensatory afforestation in respect of “National Highway (proposed project) to be constructed/developed by the Government of Meghalaya ia/are proposed” may be *read* as “WHEREAS, it appears to the Government of Meghalaya that a total area of land measuring 6284.39 Sq.m is required at Dulainala, East Khasi Hills for the purpose of setting up of Border Outpost for BSF”.

B. HAJONG,

Joint Secretary to the Govt. of Meghalaya,
Revenue & Disaster Management Department.

The 23rd June, 2017.

No.GAA.84/2016/100.—Government of Meghalaya is pleased to declare the 26th June, 2017, as Public Holiday under the Negotiable Instruments Act, 1881 on account of Id-UI-Fitre.

P. W. INGTY,

Additional Chief Secretary to the Government of Meghalaya,
General Administration Department.

The 11th May, 2017.

No.UAU./1/2011/Pt/369. - In exercise of the powers conferred under Section 3 of the Meghalaya Street Vendors (Protection of livelihood and Regulation of Street Vending) Act, 2014, and Subject to the other provisions of the Act and the Rules made there under, the Governor of Meghalaya is pleased to notify the following Scheme namely:-

CHAPTER - I PRELIMINARY

1. Short title and commencement -

- ii. This Scheme may be called **The Meghalaya Street Vendors (Protection of livelihood and Regulation of Street Vending) Scheme – 2017 for urban areas of the state.**
- iii. It shall come into force on such date, as to be notified in the Official Gazette of the Government.

2. Definitions -

- i. In these Scheme, unless the context otherwise requires:-
 - a. "Act" means the Meghalaya Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014;
 - b. "Appropriate Government" means the Government of Meghalaya.
 - c. "Chief Executive Officer" means officer in charge of the Municipal Board/Cantonment Board/Secretary/Municipality of Meghalaya as the case may be.
 - d. "Local Authority" means the Deputy Commissioner of the District;
 - e. "Notification" means a notifications published in the Official Gazette;
 - f. "Plans" means the Plan made under section 14 of the Act;
 - g. "Planning Authority" means a Committee constituted District -wise by the State Government.
 - h. "Public Purpose" includes in the context of the Act (i) widening of roads, streets, lanes; (ii) shifting the alignment of roads, streets, lanes; (iii) erecting flyovers with or without clover leaves and slip down roads; (iv) erecting underpasses; (v) development of land owned by public authorities for some public projects; (vi) laying of water, storm water or sewer lines; (vii) erecting intermediate pumping stations for the services; (viii) any project related with public transport like BRTS, Metro, etc., (ix) erection of Economically Weaker Section (EWS) Housing; (x) Creation of Parks, Gardens, and Recreational Area; (xi) Conservation of any eco system resource in that area and (xii) Any other developmental work taken by the local authority, the beneficiary of which will be the community at large.
- i. "Section" means section of the Act; ii. Words and expressions defined in the Act and used in these Schemes shall have the same meanings as respectively assigned to them in the Act.

CHAPTER - II**3. THE MANNER OF CONDUCTING SURVEY**

- (i) The Town Vending Committee with the assistance of the local bodies/professional organizations/experts/NGOs shall within a period of sixty days from the date of commencement of this Scheme conduct the survey to identify all existing Street Vendors within the area of its jurisdiction and the natural market developed over the years by holding a spot/camp/door to door verification, the Committee shall also enlist & record the identity of the Street Vendor, whether the vendor is a mobile vendor or a stationary vendor of a lane, side walk, footpath, pavement, public park or in any other public or private area in a register maintained in Form-I; and thereafter verify by spot/community verification and through police verification regarding their antecedent, conduct and eligibility and conducted through scrutiny as may be required in compliance to the provisions & directions from time to time. The scrutiny may involve claims and objections in a transparent manner and before finalisation of eligible Vendors in the list for Certification of Vending and/or registration. Subsequent survey shall be carried out as and when required but after every two years. The survey can be initially through camp approach/self declaration/undertaken using mobile/tablets which can identify vendors in the field.
- (ii) The Town Vending Committee may conduct the Survey through a cyclic process followed by the process enlisted above.
- (iii) The issuance of Vending Certificate will be completed within maximum time period of 1 year,
- (iv) The methods which should be used for survey are :
 - i. Field/Spot/Camp based followed by spot/locality survey and can be through mobile based application.
 - ii. Digitalized photo census.
 - iii. Bio-metric Photo Identity Cards.
 - iv. Registration camps followed by visits by the constituted team in markets and vending areas should be initiated.
- (v) Generally push cart/motorised vehicle, floor spread, rack and hanging frame mode shall not be allowed for which special permission if required may be permitted by the nodal officer on adequate justification and recommendation of the Local Authority.
- (vi) Town Vending Committee will have to encourage such mode as results in maximum space economy. The Survey may capture the geo-coordinates of the place of vending as mention in Form I.
- (vii) Town Vending Committee will have to prescribe the standard for all the mode of vending. As far as possible and spatial standard should be uniform for the entire mode. It should confirm to the directions of the Hon'ble Supreme Court and Meghalaya High Court for compliance.
- (viii) The Local Bodies may engage an agency on the recommendation of the Town Vending Committee through an open transparent process of selection to carry out the survey of street vendors and may also utilize alternative methods of survey through community participation or with the support of NGOs/Institutions.
- (ix) The survey shall be carried out by forming area/market wise teams consisting of officials of Police and local bodies and members of Town Vending Committee nominated or any such other agency(ies) including members from registered NGOs, Local Dorbars and Market Trade Association as may be required for the purpose.
- (x) Adequate publicity of the proposed survey shall be given –
 - i. On its website.
 - ii. By publishing in any two prominent local newspapers published in the regional and local language of the area.
 - iii. By placing it on the notices board of the Urban and Deputy Commissioners offices.
 - iv. By placing a copy in any conspicuous place in the local market within the jurisdiction of the local authority.
 - v. Date of surveyed area to be covered, the nodal officer of the survey, date and time of commencement and completion of survey.

CHAPTER III

ISSUE OF VENDING CERTIFICATE

4. Registration of Street Vendors for Street Vending :

- i. Every street vendor who has completed 18 (eighteen) years of age and intends to do registration for street vending shall make an application for registration as street vendor to the Town Vending Committee.
 - ii. The survey form/application for registration will be computer generated with unique code/ID and the same will be mentioned in the accompanied acknowledgement receipt. The survey form/application form for registration will be done by the experts nominated by the Town Vending Committee at the site during the survey. The form will be filled by the officials during the survey on the site/spot therein the details and necessary documents.
5. The period within which Certificate of Vending shall be issued to the street vendors identified under the survey after the scrutiny and finding them eligible as per the norms and directions. The street vendor so found eligible shall be issued certificate within a maximum period of 4 (four) months' time from the date of commencement of survey.
6. The terms and conditions subject to which Certificate of Vending may be issued to a street vendor including to those persons who wish to carry on street vending during the intervening period of two surveys;
- (1) The street vendor to whom a certificate of livelihood will be issued:
- i. Should be a citizen of India, ii. He/She are of a sound mind.
 - iii. Should not have any other means of livelihood except for street vending,
 - iv. Should not have any other vending site/or any avocation in the State/in any other place.
 - v. Should carry the vending himself or herself or through family members who should not be less than 18 years of age.
 - vi. Not more than one member of a family will be given a vending certificate/license for vending.
 - vii. The street vendor shall not be less than 18 years of age as on the date of survey.
 - viii. The Certificate of Vending cannot be lease/rented or sold to others. An undertaking in this respect along with the above conditions is to be submitted by the street vendors to the Town Vending Committee, in Form III along with an Affidavit of Rs. 10/-
 - ix. The Certificate of Vending should have a picture of the person vending and in case of spouse or dependent child being involved in vending at the Vending site. Photographs of such persons should be added in the certificate.
 - x. New Street Vendors, who wish to carry on street vending during the intervening period of two surveys, has to apply through Local Authority for the vending certificate.
 - xi. Identification of new sites, acceptance of application from new vendors as well as allotment to new applicants by Local Authority should be a continuous process rather than one time exercise.
- (2) Those persons who are carrying on street vending prior to commencement of the Act shall be given preference over the persons who are intending to start Street Vending.
- (3) The Town Vending Committee while issuing the Certificate of Vending to a street vendor should provide for preference to the local people of the area, Scheduled Castes, the Scheduled Tribes, and Other Backward Classes, women, persons with disabilities, minorities or such other categories.

7. **Classification of Street Vendors** : For the purpose of issue of certificate of Vending, the vendors shall generally be categorised as follows :-
- Stationary vendors** : - Persons carrying on vending activities on regular basis at a specific location.
 - Mobile vendors** : - Persons carrying on vending business using baskets or shoulder balanced basket only.
 - Other categories of vendor** : - The Town Vending Committee concerned shall also identify other categories of street vendors such as vendors in a weekly markets, heritage markets, festival markets and night bazaars as may be doing business within the said committee's jurisdiction and shall provide for the integration of such vendors for a separate facility for such vendors to enable them to continue their business.
8. **The form and manner in which the Certificate of Vending shall be issued to a street vendor :**
(FORM-II)
- Photo of the vendor along with his or her spouse or dependent child if involved in vending with the vendor.
 - Name of the vendor.
 - Name of the spouse or dependent child if involved in vending with the vendor.
 - Age and Sex of the person/s whose photo appears.
 - Address of Residence.
 - Category of Vending (Mobile/Stationary/Natural/Weekly etc.,).
 - Name of the Vending Place (whether it is historical place, park, market, in front of school/college/ hospital/bus stand or malls etc.,).
 - Name of the Municipal Board.
 - Date of Issuing Vending Certificate.
 - Validity (as per the directions of the Hon'ble Supreme Court and Meghalaya High Court for compliance, the certificate of vending should also be issued for one year).
 - Unique Registration Number.
9. **Identity Card** :- An identity card shall be issued by the Town Vending Committee to each street vendor who is holding a Certificate of Vending in Form-IV which is enabling to carry the biometric particulars of the street vendor.
10. **The form and manner of issuing Identity Cards to street vendors: (FORM-IV)**
- Name of the vendor.
 - Age.
 - Sex.
 - Address of residence.
 - Address of the vending site.
 - Photo.
 - Phone number.
 - Category of vending.
 - Village Dorbar or Municipal ward.
 - Police Station.
 - Validity Period.

xii. Signature of the authority with seal.

11. The criteria for issuing Certificate of Vending to street vendors: The Town Vending Committee shall follow the following criteria for issuing Certificate of Vending, namely :-

- i. Name of the person should appear in the survey/scrutiny carried out by the Town Vending Committee.
- ii. Should be a street vendor only and should not be engaged in any other occupation.
- iii. No other parallel vending site in any other place by the same person. However no other members of the family can take up the vending business.
- iv. Should carry the vending by himself /herself /through family or other people (if he/she has completed 18 years) may be involved.
- v. Any street vendor who has completed the age of 18 (eighteen) years of age.
- vi. The Certificate of Vending cannot be leased or sold to others and an undertaking for this is to be submitted to the Town Vending Committee on an Affidavit of Rs. 10/-.
- vii. First time registration fee may be decided by the Town Vending Committee. The amount should not be more than Rs.1500/- or should not be less than Rs.100/- and can be varied for different categories.

12. Further to the conditions mention above :

- (a) The vendor shall not construct any permanent structure on allotted space.
- (b) The vendor shall not put up stalls or place any tables, stand or such other thing or erect any type of structure.
- (c) The vendor should also not use handcarts. However they can protect their goods from the sun, rain or wind.
- (d) The vendor in any way shall not obstruct the free movement of pedestrians and traffic;
- (e) The vendor shall not allow any other person to carry on Street Vending on his/her behalf.
- (f) He/She shall keep the site allotted to him clean and disposed-off their waste materials in a properly covered dustbin;
- (g) He/She shall carry on his vending activities on such date and time as specified in the certificate.
- (h) The vendor shall not take any intoxication while vending in the Vending Zone.
- (i) The vendor shall not sit in any place other than the place mentioned in his Certificate of Vending.

Provided that the Street Vendor may change his place of business only with prior approval of the Town Vending Committee;

- (h) The Vendor shall not lease out or put the shop/stall on rent or otherwise transfer the shop/stall without prior approval of the Town Vending Committee; and
- (i) The vendor shall pay rent for the allotted site on first week of every month to the concerned Municipal Board at the rate as specified in the Certificate of Vending.

13. The period of validity of Certificate of Vending;

The vending certificate shall be renewed after every 1 (one) year through simple process of paying fees. The deposit of fees and issue of receipt shall be considered to be adequate proof of the renewal of vending certificate.

14. Street Vending not to be carried on without Certificate of Vending :

No person shall carry on his business of Street Vending activities except in accordance with the terms and conditions mentioned in the Certificate of Vending and without obtaining a Certificate of Vending.

15. New Sites and Street Vendors:

- i. New street vendors who wish to carry on street vending during the intervening period of two surveys, shall apply through the local authority for the certificate of vending, and
- ii. Identification of new sites, acceptance of application from new vendors and the allotment of certificate of vending to new applicants by the local authority shall be a continuous process.

16. The Authority reserves the right to shift the street vendor to other location under exceptional circumstances in the greater interest of public.

17. The Town Vending Committee may impose such other conditions while granting Certificate of Vending having regard of category of Street Vending and the nature of vending activities to be carried on by the Street Vendor.

CHAPTER - IV

RENEWAL, SUSPENSION AND CANCELLATION OF VENDING CERTIFICATE

18. The period for which and the manner in which a certificate of vending may be renewed and the fees for such renewal;

- i. The Vending Certificate may be renewed after every one (1) year. It shall be a simple process of paying the fees for renewing the Vending Certificate. It is desirable that the Local Authority may put up the list of the vendors whose due dates for renewal falls within a period of 2 (two) months. It shall be indicated in the list, the amount and the place where such fees can be paid.
- ii. The Town Vending Committee shall publish the list of defaulter street vendors who failed to pay the renewal fees of Certificate of Vending on a monthly basis.
- iii. The renewal fees of the Vending Certificate should not be less than Rs. 500/-.
- iv. 1 (one) month grace period may be granted for the payment of renewal fees without any penalty.
- v. After the expiry of the 1 (one) month period, the certificate of vending may be renewed on payment of renewal fees and the penalty of Rs. 25/- per day for the delayed period will be granted.
- vi. If the vendor fails to renew his/her Certificate of Vending in the aforesaid period, the Town Vending Committee shall serve a notice to the vendor asking him/her to submit reasons within 15 (fifteen) days from the date of issuance of the notice as to why his/her Certificate of Vending should not be cancelled. If he/she fails to give any reason to the satisfaction of the Town Vending Committee, his/her Certificate of Vending shall be cancelled.

Provided that the Town Vending Committee shall have the power to refuse to renew the certificate, if it has come to notice that the Street Vendor has violated the provision of the Act or the Rules or the Scheme or any of the condition of the Certificate of Vending.

19. The manner in which the Certificate of Vending may be suspended or cancelled;

- (i) The Town Vending Committee shall impose fine and give warning to the street vendor if he/she is found guilty of breach of conditions laid down in the Vending Certificate. This will include :-
 - i. If he/she is carrying out vending/squatting/hawking in the area/market other than mentioned in the Vending Certificate,
 - ii. Breach of any of the conditions of Certificate of Vending mentioned in the Act or in this Scheme.
 - iii. Misrepresented the age (minimum age of 18 years) for eligibility to get Vending Certificate or has engaged minors for vending,
 - iv. If the area allotted has been increased unauthorized occupying additional area.
 - v. If no registration has been done under FSSAI in case of food vendors,
 - vi. If the vendor does not comply with the Prevention of Food Adulteration Act and the food is adulterated or unhygienic in case of food vendor,
 - vii. If any permanent structure has been constructed on the allotted place,
 - viii. If Certificate of Vending is sold or lease out to any.
 - ix. If the Vending Certificate has not been renewed after the prescribed period is over.
- (ii) Any street vendor who has employed any child below 14 (fourteen) years of age (Under Child Labour (Prohibition and Regulations) Act, 1986 and the Bye - Laws (Regulation) Act, 2005 shall be given a warning by the Town Vending Committee. If he/she fails to carry out the directions in the warning their Vending Certificate will be cancelled.
- (iii) Any street vendor who is guilty of misbehaviour with women vendor will be given a warning based on the written complaint filed by the aggrieved person. However, on the repetition of such misbehaviour will amount to the cancellation of the Vending Certificate. The Town Vending Committee will constitute a committee (Headed by a woman official) to take into account the Domestic Violence Act, 2005 and also with regards to Indian Penal Code to protect women at work place.
- (iv) No Certificate of Vending shall be cancelled unless the holder thereof has been given a notice within a given period of 15 (fifteen) days to submit his/her reply to the allegation based on which the certificate is proposed to be cancelled. The period of 15 (fifteen) days shall be counted from the date on which the notice is served on the vendor or delivered to his last known address.
- (v) A Certificate of Vending may be suspended for a fixed period of time for any violation of conditions of the certificate which is rectifiable during such period of suspension.
- (vi) In case action has been initiated against a vendor for violation of law for causing public hazard or failure to pay tax etc., the Town Vending Committee may suspend his/her Certificate of Vending after duly following the procedure specified in sub-clause (4).
- (vii) Where the Town Vending Committee has made an order cancelling the Certificate of Vending of a street vendor, such vendor shall surrender his/her certificate and identity card to the Town Vending Committee within the period as specified in such order of cancellation and his name shall be struck off from the register maintained.

CHAPTER - V

FEES

20. The vending fees to be paid on the basis of category of street vending/commercial potential of the site of vending, which may be different for different cities; The Town Vending Committee shall fix vending fees/levies depending on the foot fall of the area but such fees shall not be less than Rs. 150/- and more than Rs. 1500/- per month. Every year a minimum 10% increase of fees shall be imposed. The Local Authority may collect vending fee annually if it deems fit.

Explanation - *The vending fees shall be according to the category of the street vendors and the status of the market. The rationale is obvious. Income potential differs from area to area. High footfall areas offer high vending opportunity compared to lean foot fall areas. Therefore, it is only correct to fix the fees at different rates for different categories of vending zones. Similar position may be for varied rates for cities and towns of different categories.*

21. The manner of collecting vending fees, maintenance charges and penalties for registration, use of parking space for mobile stalls and availing of civic services;
- (i) For the purpose of depositing money, whether as a fee, rent or fine penalty, payable by the street vendor under the Act, Rules and the Scheme, every Town Vending Committee shall open a bank account in any scheduled Bank and operated by such officer of the Town Vending Committee as the Municipality may direct.
 - (ii) The street vendors may deposit the fees including monthly rent and such other fee into that account per month or year with his name and Registration Number allotted to him along with such details as prescribed by the Town Vending Committee. An annual audit of the account will be carried out by the Town Vending Committee. The Local Authority concerned is free to make its own alternative arrangement for collection of fees or charges for the Town Vending Committee.

CHAPTER - VI

CATEGORIES OF STREET VENDING

22. **The categories of street vendors other than stationery vendors and mobile vendors :-** The Local Authority shall report to the State Government in case there is any category of street vendors other than stationary and mobile vendors are operating from its area.
23. **The vendors can also be categorized with reference to the places from where they are operating e.g.:**
- i. Natural markets,
 - ii. Weekly markets,
 - iii. Heritage markets
 - iv. Festive markets
 - v. Night bazaar
 - vi. Seasonal markets

However, such categorization would be for convenience of easing the congestion and allocating/assigning the vendors.

24. **The other categories of persons for preference for issue of certificate of vending;**

The Town Vending Committee in issuing the Certificate of vending shall accord priority to the senior citizens, persons with disabilities, single mothers, widows as well as Scheduled Castes, Scheduled Tribes, Other Backward Classes and State minorities as per eligibility prescribed. The Town Vending Committee shall follow this in conformity with the provisions of the Act.

CHAPTER - VII**RELOCATION AND EVICTION OF STREET VENDORS****25. The public purpose for which a street vendor may be relocated and the manner of relocating street vendor:**

- i. A street vendor who has been issued a Certificate of Vending may be relocated as per requirement or planning and upon declaration of a vending zone or part of it to be a non-vending zone for public purpose like development project in public interest, security concerns, traffic congestion, spread of epidemic and natural calamity/other health reasons, cleanliness of area, interest of the public or any other valid reason.

For any development projects of public purpose requiring temporary or permanent shifting of the street vendors in the project related area, the concern Authorities shall consider following two points for relocation:

- (i) During the time of construction/development the affected street vendors may be adjusted in a nearby or any such vending zone temporarily or permanently and also under the same type of vending as specified in the Certificate of Vending subject to availability of vending space at the alternate site.
 - (ii) After completion of the project, the street vendors may be adjusted in the same place of public purpose area for vending to the extent possible but it is not compulsory/mandatory.
 - ii. For relocation from the place specified in the certificate of vending, the affected street vendor will be given a 7 (seven) days notice by serving it in person/pasting at designated place or through registered post at communication address of the street vendor and giving at the most 2 (two) choices in the nearby or any other vending zone. If three alternate locations under the same type of vending as specified in the certificate of vending are not available, the affected street vendor may be given the choice of other categories of street vending. In case there is more than one vendor choosing same relocation then the site shall be decided by draw of lots and second alternative site to be allotted to other vendor who does not get the chosen site through draw of lots.
 - iii. On or before the expiry of notice period, the street vendor shall give in writing to the Nodal Officer of Town Vending Committee or Local Authority his/her choice from the alternates made available. If the street vendor fails to give the choices, the Local Authority will issue the relocation order mentioning the new vending site/space, as deem fit and as per Section 18 of the Act the street vendor is liable to pay the default amount or a fine which may extend up to Rs. 250 per day for over-stay and failure to vacate the site in time, if any.
26. Rehabilitation of street vendors under any public purpose would require taking of the steps: that relocation is not possible, the vendors shall be put in waiting list in priority by draw of lots and would be rehabilitate or allotted new sites on priority and before any other new application is considered

27. The manner of evicting a street vendor:

- i. Town Vending Committee should bring in its agenda and discuss the issue of eviction of street vendors 2 (two) month prior to the issuance of 7 (seven) days' notice of eviction, so that a survey can be conducted to identify adequate vending site for the street vendors.
- ii. A street vendor whose Certificate of Vending has been cancelled, or whose notice period in case of relocation has expired or who does not have a Certificate of Vending and vends without such certificate may be given 48 (forty eight) notice to vacate the site and not to vend. No such notice is required to be given where such a street vendor is found to be causing traffic congestion, law and order problem and creating nuisance and unhygienic conditions and health hazard etc.

- iii. Reply of the vendor- his/her oral submissions may be considered/on spot decision should be taken whether or not a street vendor is required to be evicted.

In case is it is decided to evict, the vendor shall be asked to leave the place taking away the goods within 2(two) days. In case he/she does not leave the place, goods shall be seized and a list will be prepared in presence of witness, the copy of which shall be delivered to the vendor on the spot failing which to his/her registered address through speed post. Police assistance to be taken if required. Seized goods will be deposited in the store of the Local Body and will be released on request of the concerned person by charging prescribed charges. In case of perishable item the cost of sale be kept as deposit and release to the person after deducting service charges.

28. The manner of giving notice for eviction of a street vendor :

- i. The written notice should be served on spot/in person or *via* registered post prior eviction in the name of the street vendor to be evicted *via* registered post or personally.
- ii. In case registered post comes back undelivered, the said notice should be pasted on the area where from he/she is carrying his/her vending. That should be considered as the service of the notice.
- iii. Notice for eviction may be given preferably in local language which can be easily comprehended by the vendor and in case street vendor is uneducated/illiterate, violations detected and mentioned in the notice can be informed verbally.
- iv. In case, the vendor refuses the service of notice or the service is not practically possible, the notice shall be pasted at the conspicuous place in the area of vending and in doing so, the notice shall be deemed to be served.

29. The manner of evicting a street vendor physically on failure to evict:

- i. In the case the vendor fails to vacate the site after the expiry of the 15 (fifteen) days notice period, if any the goods, wares and articles shall be confiscated and removed, including the cart, containers and stands and the structures made by the vendor on the public place shall be demolished.
- ii. Photographs of the site/spot before and after the removal action shall also be taken and a report to be submitted to the Town Vending Committee.

SEIZURE OF GOODS

30. The manner of seizure of goods by the local authority, including preparation and issue of list of goods seized:

Where the goods of the street vendor are to be seized under sub-section (1) of section-3 of the Act, the following aspect requires to be taken into consideration, namely :-

- i. Only the authorized person/designated official of the local authority should conduct the seizure of goods.
- ii. The designated official(s) of the local body shall make the objective assessment of the goods/wares seized.
- iii. The list of goods seized should be made by the concerned Authority and the same should be duly signed by the concerned authority.
- iv. The street vendors whose goods are seized should be given a proper receipt by the concerned Authority.

31. The manner of reclaiming seized goods by the street vendors and the fees for the same;

- i. The Local Authority should release the perishable seized goods within the same day and in case of non-perishable goods within 2 (two) working days,
- ii. The fees to be paid by the street vendor for reclaiming the goods should not exceed the value of the total goods of the vendor,
- iii. In case of vending without certificate then the charge should not exceed Rs. 500/- for reclaiming of seized goods,
- iv. In case of perishable goods, the vendor should be given option to take the goods back immediately by paying necessary penalty or within the working period in the next 24 (twenty four) hours.

MISCELLANEOUS

32. Manner of maintaining up-to-date record of street vendors -

The paper and electronic records of the town vending committee shall be maintained by its Secretariat in the place allotted by the Local Authority and the soft copy should also be suitably maintained. All decisions taken by the Town Vending Committee shall be placed on a designated website.

The records relating to the allotment of the space to the street vendors shall be kept for ten years. Other records may be preserved for a period of five years unless those are needed for any legal proceedings.

The street or road plan with the existing site of the street vending shall be a permanent record with the Town Vending Committee.

33. The conditions under which private places may be designated as restriction-free-vending zones, restricted-vending zones and no-vending zones:

Where the local authority decides to declare any private land as a vending zone, it shall take into consideration the possibility of offering compensation in the form of additional Floor Space Index (FSI) or Floor Area Ratio (FAR) than prevailing in that area or Transferable Development Right (TDR) in case the General Development Control Regulations (GDCR) of the local authority has got the provisions of it.

34. The terms and condition for street vending including norms to be observed for upkeeping public health and hygiene:

- i. The vending time and hawking will be only from 7:00 am to 10:00 pm.
- ii. Preference will be given to vendors who sell cooked food, cut fruits juices and the like. However no cooking of any nature will be permitted. After meeting such requirement, any vacant space if available will be permitted for hawkers carrying out other permissible trades as per the provisions of the Act.
- iii. The Local Authority of the concerned area should provide the street vendors, a proper place to dispose-off their waste materials in order to maintain a hygienic environment,
- iv. The street vendors should use proper covered dustbins to dispose of the waste materials. The used water should also be disposed-off in a covered container.
- v. The Local Authority should ensure and provide the street vendors clean and fresh water along with the street light facility wherever possible,

- vi. An attempt should be made to provide clean and properly constructed toilets with water and electricity facility in order to maintain public health and hygiene near the street vending strips,
 - vii. Every street vendor should have a service record book and Town Vending Committee only can/will access that. Based on that Town Vending Committee can award prize/impose fine upon the vendor.
35. The designation of State Nodal Officer for co-ordination of all matters relating to street vending at the state level.
- i. The State Government shall appoint an Officer not below the rank of Joint Secretary to Government, as a Nodal Officer for co-ordination of all the matters relating to street vendors,
 - ii. The Nodal Officer shall have at least a half yearly meeting with the Local Authorities in order to get himself/herself acquainted with various field level issues,
 - iii. The Nodal Officer may collect feedback from the street vendors relating to the issues and problems faced by them.
36. **The manner of carrying out vending Activities on time-sharing basis :**
- i. The Town Vending Committee may determine vending activities on time sharing basis depending on the market needs and to be approved by the Local Authorities
 - ii. women vendors should not be discriminated while allotting time-sharing vending activities.
37. The principles for determining of vending zones as restriction-free-vending zones, restricted-vending zones and no-vending zones:
- (i) An intensity of foot fall, road width and density of the vehicular & pedestrian movement shall be the cornerstone for deciding vending and no vending zone.
 - (ii) There shall be no restriction free vending zones in the city and no vending zone should be adequate. The Town Vending Committee shall decide a particular street or market as vending zone or no vending zone on the basis of the following considerations specified below and accordingly the space should be allotted:
- i. There should not be any totally restriction-free-vending zones in the city. The holding capacity of an area as may be decided by the Local and Planning Authority which in no case shall be one per cent (1.5%) of the population in the area would put the ultimate limit on the number of street vendors which can be positioned in any area. However, there may be restriction on mobile vending in such area if vendors continuously move without affecting traffic and commuter movements. Otherwise there is every chance of mobile vending itself creating problem for the traffic movement, as the mobile vending invariably takes place from the carriage way.
 - ii. Restricted vending zones should be linked up with the road width keeping in view the following aspects, namely:

There shall not be any stationary street vending on a road having width less than 8 meters. However, street vending shall be allowed if such road is declared as no vehicular road.
- (i) There shall not be any stationary street vending on a road having width between 6 meters to 9 meters. However, street vending shall be allowed if such road is declared as one way vehicular road,

- (ii) There shall be only one side stationary street vending on an area having width between 1 mtr x 1 mtr and in the case of aarey/sarita stalls which acquire more space not more than 2Mt by 1 Mt shall be allowed. In all circumstances only one side of the road/footpaths street vending is permitted.
 - (iii) The number of street vendors shall be decided by considering holding capacity of each designated vending area on such road.
 - (iv) Such stationary vending shall be allowed after taking the clearance from the traffic police regarding the smooth vehicular and pedestrian movement. If required, road side parking shall be banned in such area where street vending is allowed.
 - (v) Mobile vending shall be allowed on such road looking to the traffic and pedestrian movement,
- iii. **No Vending zone:**
- (i) No vending would be imposed/restricted (shall be allowed) within 200 meters of the secretariat, Deputy Commissioner and ASI, Court, Cantonment Board and State Archaeological Monument attracting a high footfall at its discretion taking into account the specifics of the area concerned,
 - (ii) No vending within 100 meters from any crossing of two or more roads on all sides and any declared heritage structure by the Local Authority,
 - (iii) No vending within 100 meters from any place of worship or holy shrine, educational institutions and hospitals or within 150 meters from any municipal or other markets or from any railway stations. There will be no vending from any foot-bridges and over-bridges. However outside place of worship vending will be permitted to sell items required by devotees.
38. **The principles for determining holding capacity of vending zones and the manner of undertaking comprehensive census and survey:**
- i. **Holding capacity-** being the hilly area provides that one and half per cent (1.5%) of the population of ward or zone or town or city shall be accommodated in the vending zones as per the holding capacity.
 - ii. The holding capacity will indicate the maximum number of vendors that can be accommodated in a defined vending zone.
39. **Principles/Criteria for declaring Vending Zones as Heritage Market:** The following criteria shall be adopted, namely:-
- i. The Local Authority shall prepare a list of such markets and declare them as "Heritage Market". The local authorities in collaboration with the Tourism Department shall promote such markets as tourist markets by incorporating such elements as may bring in a local flavour or create a local ambience in that market.
40. The Scheme framed by the Government/Department will have a binding effect on all concerned. Thus, apart from those to whom licenses will now be issued, no other person/body will have any right to squat or carry on any vending/hawking or other business on the roads/streets.

SHREERANJAN,

Additional Chief Secretary to the Govt. of Meghalaya
Urban Affairs Department, Meghalaya.

FORM I
SURVEY QUESTIONNAIRE

Sl. No.	Questions.
1	Photograph of Vendors with Location
2	Photograph of Vendors with Vending Place
3	Identity Proof- 1 (Single Photograph)
4	Identity Proof- 2 (Single Photograph)
5	Ward number
6	Street Name
7	Nearby Landmark
8	Type of area <ul style="list-style-type: none"> • Residential • Commercial area/Natural Market • School/College Area • Religious site • Garden/Open space • Railway Station • Industrial area • Public place or Government Office • Heritage site • Highway • Bus stand • Hospitals • Other
10	Place of Business <ul style="list-style-type: none"> • Main road/Lane/Chowk • Footpath • Service Area/Road • Open Plot within Premises • On Closed Drainage Line • Private Property/Plot • Other
11	Name of Vending Place
12	Vendor's Name: First Name
13	Vendor's Name: Middle name
14	Vendor's Name: Surname
15	Residential Address
16	Block
17	City/Town
18	District
19	Mobile No.
20	Phone No.
21	Age
22	Gender <ul style="list-style-type: none"> o Male o Female o Trans Gender
23	Nationality <ul style="list-style-type: none"> o Indian o Other
24	Whether SC/ST Whether PWD (person with disabilities)

25	If you come under SC/ST/OBC Category, Do you Certificate for the same ? o Yes o No
26	Marital Status-- o Married o Unmarried o Widow/Widower o Divorced o Separated
27	Level of Education Attained o Illiterate o Primary (1-5) o Middle School (6-8) o Secondary (9-10) o Senior Secondary (11-12) o Diploma o Graduate o Post Graduate o Other
28	Details of disability- o Visually Impaired o Deaf o Dumb o Disabled by hand/leg o Mentally Challenged o Other
29	In case of disability, do you have a certificate ? o Yes o No
30	If yes, list the Certificate No: -
31	Do you fall under BPL? o Yes o No
32	If any member of your family is employed ? if yes private/government/monthly income
33	Migration o Belong to this city o Have migrated
34	If migrated, Please specify the name of your Native Place's District/attached EPIC card if available
35	Since how many years have you been living in this city
36	Do you possess any residential proof ? o None o Voter Card o Ration Card o Aadhar Card o APL/BPL Card o Electricity Bill o Municipal Tax Bill o Other
37	Total number of family members - Male Members
38	Total number of family members- Female Members
39	Out of total, number of children (below 14 - Both Male & Female)
40	Total number of earning members – Male
41	Total number of earning members - Female

42	Out of total, number of children earning (below 14 – Both Male & Female)
43	Is there any other person who worked as a street vendor except you in your house? <input type="radio"/> Yes <input type="radio"/> No
44	Relation with you <input type="radio"/> Husband <input type="radio"/> Wife <input type="radio"/> Brother <input type="radio"/> Sister <input type="radio"/> Mother <input type="radio"/> Father <input type="radio"/> Others
45	Full name of member (working/worked as street vendor) -
46	Do you have any other source of income? <input type="radio"/> Yes <input type="radio"/> No
47	What work did you do before street vending?
48	In which city did you worked before?
49	For how many years have you been engaged in street vending?
50	For how many years have you been working in this area?
51	Do you possess any license issued by City Civic Body for street vending? Attach copy of the permission/ license
52	How often do you go for street vending? <input type="radio"/> Daily <input type="radio"/> Half day/ 3-4 hrs <input type="radio"/> One to two day per week <input type="radio"/> More than two days per week <input type="radio"/> Fort-nightly <input type="radio"/> Monthly <input type="radio"/> Seasonal
53	Type of business – <input type="radio"/> Stationary <input type="radio"/> Door to door <input type="radio"/> Mobile <input type="radio"/> Others –specify
54	How much distance do you have to cover to come to this place for vending?
55	How many hours do you work in a day?
56	Exact time of vending to _ hrs
57	How much KM distance do you travel for work in a day, when you are doing Mobile Vending?
58	What type of structure is being used for Vending? →Kachcha/ temporary structure →
59	How much land space are you using for your vending? (In Sq.m)
60	Are you using any vehicles for vending? <input type="radio"/> Yes <input type="radio"/> No
61	If yes, then which of the following vehicles do you use? → Tempo → Auto → Van → Hand cart

	→ Bicycle → cart → Other
62	Ownership of vehicle ○ Self ○ Family ○ On rent ○ Partnership ○ Other
63	How much rent do you pay for these vehicles? (If any)
64	How many months do you work in a year?
65	Do you do the same work mostly? ○ Yes ○ No
66	Are you satisfied with this location as a place for your business? ○ Yes ○ No
67	If yes, then why? → The place is nearby your house → Good relations with the people in this area → No local interference → Crowded place → Good locality → Well known market → Convenience for customers → Near office or educational institution → Other
68	If no, then why? → Less income → Unsuitable for health and business → Local people object against the business → Interference by employees of Municipal authority → Other illegal businesses around → Problems created by Police Department → Transportation problems → Other
69	Number of people you have employed – ○ None ○ 1 ○ 2 ○ Others
70	How do you pay your employees? → Daily wages → Weekly → Monthly
71	Average amount paid to employees -
72	Do you pay any rent for your vending place? ○ Yes ○ No
73	To whom do you pay the rent? → Civic Body → Nearby shopkeeper → Owner of the place → Other

74	Type of payment → Daily → Weekly → Monthly → Other → Amount -
75	Amount of payment -
76	From do you purchase goods for carrying out your business? ○ Manufacturer ○ Wholesale market ○ Distributor ○ Other
77	From do you get the initial seed money to purchase goods? ○ Own money ○ From landlord ○ From Banks ○ Credit Society ○ Other Sources
77	How often do you buy raw materials for your business? ○ Not applicable ○ Daily ○ Weekly ○ Monthly ○ Other
79	How much do you spent on the purchase of goods on a daily basis?
80	How much do you earned from your total daily sales?
81	How much profit do you make on a daily basis?
82	Have you taken any loan? ○ Yes ○ No
83	If yes, please specify amount -
84	Do you have any Saving Accounts in any Bank? ○ Yes ○ No
85	If yes, please specify the name of Bank-
86	Do you any Insurance? ○ Yes ○ No
87	If yes, kindly specify -
88	Have you taken any advantage of any other Social Security Schemes? ○ Yes ○ No
89	If yes, kindly specify the scheme -
90	Are you satisfied with the work you have selected? ○ Yes ○ No
91	If the authority provides a vending place elsewhere in the same area or any other area, are you ready to shift your cart/set up to the allocated area for vending goods? ○ Yes ○ No
92	Would you need a covered marker space with the raised platform and storage space? ○ Yes ○ No
93	Would you need an uncovered open space at the ground without the raised platform?

	<input type="radio"/> Yes <input type="radio"/> No
94	Are you a member of any street vendor union or association? <input type="radio"/> Yes <input type="radio"/> No
95	Name of the organisation
96	Are you aware of the "Meghalaya Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014"? <input type="radio"/> Yes <input type="radio"/> No
97	Are you interested in obtaining a license under the Street Vendor Act/ <input type="radio"/> Yes <input type="radio"/> No
98	How much Annual fee are you willing to pay for the license? <input type="radio"/> Rs. 100 <input type="radio"/> Rs. 250 <input type="radio"/> Rs. 500 <input type="radio"/> Rs. 1000
99	What is your favourite time for business? <input type="radio"/> Morning <input type="radio"/> Noon time <input type="radio"/> Evening
100	What kind of a market do you vend in? <input type="radio"/> Natural Market (Daily Market) <input type="radio"/> Evening /Night Market <input type="radio"/> Holiday Market <input type="radio"/> Weekly Market <input type="radio"/> Festival Market <input type="radio"/> Other
101	Do you have access to free drinking water near your place of work? <input type="radio"/> Yes <input type="radio"/> No
102	Do you have access to toilet facility near your place of work? <input type="radio"/> Yes <input type="radio"/> No
103	How do you dispose of the garbage generated by your vending? <input type="radio"/> Municipal Bins <input type="radio"/> Private Bins <input type="radio"/> On road/street <input type="radio"/> Dump it in a water body <input type="radio"/> Through door to door collection <input type="radio"/> Other
104	Do you have (access to) storage facility at your place of work? <input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Not applicable
105	What type of light source do you used? <input type="radio"/> None <input type="radio"/> Street Light <input type="radio"/> Gas/Oil Lamp <input type="radio"/> Battery Operated <input type="radio"/> Solar Light <input type="radio"/> Generator <input type="radio"/> Paid Electricity Connection

	<ul style="list-style-type: none">○ Other
106	Are you aware of any Traffic problems caused because of Street Vending? <ul style="list-style-type: none">○ Yes○ No
107	If yes, what are the solutions to avoid problems?
108	Which type of facility do you desire for your business? <ul style="list-style-type: none">○ Different market○ Water○ Electricity○ Common Toilet○ Common lighting facility○ Waste disposal facility○ Security○ A cleaning person○ Parking○ Labour for parking and transport management○ Other
109	Any Special Remark or Comment of Vendor-
110	Any suggestion
111	Declaration:

FORM II**FORMAT FOR CERTIFICATE OF VENDING**

1. Name of the vendor:
2. Name of the spouse or dependent child if involved in vending with the vendor:
3. Photo of the vendor along with his spouse or dependent child if involved in vending with the vendor:
4. Age and sex of the person whose photo appears:
5. Address of the street vendor where he is residing:
6. Category of vending:
 - i. Mobile:
 - ii. Stationary:
 - iii. Any other (specify):
7. Name of the vending place (whether it is historical place, park, market, in front of school/ college/ hospital/bus stand or mall etc.):
8. Name of the local authority:
9. Date of issue of the certificate of vending:
10. Validity of certificate (since the law provides for survey every five year, the certificate of vending should also be issued for a period of five year)
11. The signature of the authority with seal:
12. Unique registration number:

FORM III**FORMAT FOR LETTER OF UNDERTAKING BY A STREET VENDOR.**

I,, wife / son / daughter of
Shri....., Registration/Certificate of
Vending No..... of Town vending
committee, hereby declare that the certificate of vending granted to me shall not be leased, rented or sold to
any other person.

I, further declare that I am not engaged in any other business/net vending from any other vending site/ not
employed with any organisation.

Name of Signature of the vendor:.....

Registration / Certificate of Vending Number:

Date:

Signature of Vendor

Place:

FORM IV**FORMAT FOR IDENTITY CARDS.**

1. Name of the vendor:
2. Age and sex of the vendor:
3. Address of the street vendor where he is residing:
4. Address of the vending site:
5. Photograph of the vendor:
6. Phone number of the vendor:
7. Category of the vending:
8. Municipal ward or zone number (with site of vending):
9. Police station of the area, (write in vending site):
10. Date of issue of the identity card:
11. Validity period of identity card:

Date:

The signature of the authority with seal:

Place:

Form V**Survey verification of Register**

1. Name of the Municipality -
2. Name of the Vending Zone -
3. Territorial area covering the Vending Zone -
4. Number of Vending Zone -
5. Number of existing Stationary Street Vendors identified -
6. Number of Mobile Vendors-

Sl. No.	Name & Address of the Street Vendors	Name of place <i>i.e.</i> Lane/Street/Market	Status of Street Vendors New/existing	Public/ Private area	Nature of Street Vending	Date of Survey
1	2	3	4	5	6	7

Dated :

Place:

Signature

FORM-VI**Application for Grant of Certificate of Vending**

1. Name of the Applicant-
2. Residential Address-
3. Name of dependant family members-
4. Nature of Vending-
5. Proposed area of Street Vending-
(Vending Zone)
6. Adhar Card No:-
7. Whether belong of BPL category-

I undertake that the in the event of any of the information furnished above being found to be false or incorrect in any respect, the certificate is liable to be cancelled.

Dated :

Signature

Place:

FORM VII
Certificate of Street Vending.

For Vending Zone No.

1. Name of the Street Vendor-
2. Registration No-
3. Residential Address-
4. Category of Vending-
5. Nature of Vending
6. Time of Vending-
(If one sharing basis)
7. This certificate is valid from..... to
8. This certificate of vending is granted with the following conditions:-
 - (a)
 - (b)
 - (c)
 - (d)
 - (e)
 - (f)
 - (g)
 - (h)
 - (i)
 - (j)
 - (k)
 - (l)
 - (m)
 - (n)
 - (o)

Dated:

Place:

N.B. - The Town Vending Committee may impose any other conditions having regard to category of nature of Street Vendor.